

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A
JUDGE, NO. 02-487

Supreme Court
Case No. SC03-1171

RESPONSE OF JUDGE GREGORY P. HOLDER
TO THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
SECOND REQUEST FOR PRODUCTION

Judge Gregory P. Holder files this Response to the Second Request of the Florida Judicial Qualifications Commission for Production of Documents propounded November 11, 2003.

Definitions and Instructions

A. "Document" or "documents" means any papers or writings, including drafts, of every kind and description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, electronic or computer-generated means whatsoever, or which may readily be printed by virtue of being stored on computer disks, computer hard drives, or any other method of storing data for use on a computer, in your possession, custody or control, wherever located, whether an original or a copy thereof. Any copy containing any alterations, notes, comments or other material not included on the originals or copies referred to in the preceding sentence shall be deemed a separate document within the foregoing definition.

B. If any documents requested were once in existence, but are either no longer in existence or have been lost, please state for each such document:

- (a) the type of document;
- (b) the date upon which it ceased to exist or was lost;
- (c) the circumstances under which it ceased to exist or was lost;

(d) the identity of all persons having knowledge of the circumstances under which it ceased to exist or was lost; and

(e) the identity of all persons having knowledge of the contents of such document.

C. If you withhold any documents covered by this request under claim of privilege or immunity, furnish a list identifying each document for which a privilege or immunity is claimed and specify the privilege or immunity claimed for each document. Also specify its date, author, subject matter, recipient, and the persons to whom copies of the document were furnished.

D. “You” and “your” means the respondent, Circuit Judge Gregory P. Holder, his employees, agents, and attorneys.

Documents Requested

1. The 100 computer disks which you referred to in your deposition testimony that you reviewed to determine if you had a copy of your Air War College paper.

The “perhaps a hundred floppy disks” referred to at 36:7-8 in Judge Holder’s deposition will be available at a mutually convenient time at the offices of Judge Holder’s counsel, Bales Weinstein, 625 East Twiggs St., Tampa, FL 33602.

2. Any other computer disks generated by you, Lorraine Nasco, or any other person working under your direction during the period November 1, 1997 to January 31, 1998.

Material generated by Judge Holder is addressed in the preceding response. Judge Holder is not in possession of disks created by Ms. Nasco or any other person working under his direction during the specified time period.

3. The letter of complaint referenced in paragraph 2 of James W. Bartoszak’s affidavit dated October 27, 2003, which you sent to the Department of Justice, Office of Professional Responsibility, about the FBI investigation in which you were cooperating being stopped.

Judge Holder’s correspondence is enclosed.

1.

Submitted by,

David B. Weinstein, Esq.
Florida Bar No. 0604410
Virginia Zock Houser, Esq.
Florida Bar No. 848859
BALES WEINSTEIN
Post Office Box 172179
Tampa, FL 33672-0179

Gregory W. Kehoe, Esq.
Florida Bar No.: 0486140
James, Hoyer, Newcomer & Smiljanich,
P.A.
4830 W. Kennedy Boulevard, Suite 550
Tampa, FL 33609

Attorneys for Circuit Judge
Gregory P. Holder

Certificate of Service

I certify that on December 11, 2003, the original Response of Judge Holder to the Judicial Qualification Commission's Second Request for Documents, together with a diskette containing the document in Word Perfect format, has been sent by overnight delivery for filing to the Clerk of the Court, Florida Supreme Court, 500 S. Duval Street, Tallahassee FL 32399-1927; and that duplicates of the original were served by telecopier and U.S. Mail to: JQC

Special Counsel, Charles P. Pillans, III, Esq., Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 333202; and to JQC General Counsel, Thomas C. MacDonald, Jr., 1904 Holly Lane, Tampa, FL 33629.

Attorney